

named as a defendant in the amended complaint filed in January 2014, well over two years after Blair's claim accrued.

Blair filed his original *pro se* complaint on April 5, 2013, using a form for *pro se* employment discrimination claims supplied by the Clerk's office. In the caption, he identified only IDHS as a defendant. In paragraph 3, however, he stated as follows (the underscored portions are the parts that Blair filled in; the other portions are contained on the form):

3. The defendant is L.K. McIntosh, State of Illinois, Department of Human Services, whose street address is 8001 S. Cottage Grove, (city) Chicago (county) Cook (state) Illinois (ZIP) 60619. (Defendant's telephone number) (773)-602-4321.

In short, Blair specifically identified McIntosh as a defendant. In addition, in the body of his *pro se* complaint, Blair made it clear that he was complaining about allegedly discriminatory treatment by McIntosh.

Blair paid the filing fee, so he dealt with service of summons on his own. The summons that Blair filled out and then caused to be served listed the same case caption (listing only IDHS as a defendant), but it was specifically directed to L.K. McIntosh. See Dkt. Entry 6.

Most of the parties' argument on the motion to dismiss concerns the relation-back rule of Federal Rule of Civil Procedure 15(c)(1)(C). Were this the issue, the Court would decline to dismiss the complaint, because the odds are fairly strong that McIntosh got actual notice of Blair's original claim and knew or should have known that he was or should have been named as a defendant. But that is not really the issue. The original complaint did, in fact, name McIntosh as a defendant. He was not identified in the caption, but that is not controlling, because he was specifically named in the body of the complaint. For this reason, the amended complaint unquestionably relates back to the date of the original filing, pursuant to Rule 15(c)(1)(B). McIntosh's timeliness challenge therefore fails.

Conclusion

In summary, the Court dismisses Counts 1, 2, and the Title VII claim in Count 3 as to IDHS; dismisses Count 3 in its entirety as to McIntosh; and otherwise denies the motion to dismiss. Defendants are directed to answer the remaining claims by no later than May 22, 2014.



MATTHEW F. KENNELLY
United States District Judge

Date: May 8, 2014